IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1919 OF 2005

Shri Sachin Kashinath Chikane
& Anr. ...Applicants

Versus

State of Maharashtra ...Respondent

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Mrs.Kalpana H.Aesankar for Applicants.

Mr.K.V.Saste, A.P.P. for the Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 15, 2005.

P.C.

1. Heard Counsel for the parties.

2. After going through the relevant documents produced along with the Application, it is seen that there is group rivalry between the parties. The incident in question has arisen because of the said rivalry. Cross cases have been filed by the parties, as accused No.1 was also injured during

the fight which ensued between the parties.

3. Be that as it may, it is seen that investigation is complete and charge-sheet has been filed. The evidence collected does indicate that the Applicants have participated in the offence. However, from the Injury Certificates produced before this Court, it appears that only one grievous injury has been caused to Ramesh Rohida on his left hand little finger. All other injuries are described as simple injuries. In that sense, there is substance in the argument of the Applicants that if the Applicants had used iron bars and had mercilessly assaulted the injured witnesses, it is incomprehensible that only one grievous injury would be reported, that too, only on the left hand little finger out of the other injuries which are described as simple.

4. Taking overall view of the matter, as the Applicants are in custody since November 2004, and the investigation is already completed, the Applicants can be enlarged on bail by imposing strict conditions. It is necessary to impose

strict conditions, as, it appears from the record that after the incident, Applicant No.2 had threatened the witnesses, for which, non-cognizable offence has been registered. That apprehension can be taken care of by the condition that I propose to impose. Accordingly, this Application succeeds on the following terms:

(a) The Applicants are directed to be released on bail in connection with C.R..No.I-99 of 2004 registered with Hill Line Police Station, Ulhasnagar, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with two local sureties in the like amount.

(b) The Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall not enter Ulhasnagar City during the pendency of the trial, except for attending court case on specified dates.

(d) Applicants shall inform place of residence

to the Investigating Officer as well as the Trial Court within one week from the date of release.

(e) Applicants shall report to the nearest Police Station once in a month on First Saturday of every English Calender Month between 10.00 a.m. to 1.00 p.m.

(f) The Applicants shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicants are, in any manner responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

5. Application disposed of on the above terms.

A.M.KHANWILKAR, J.